

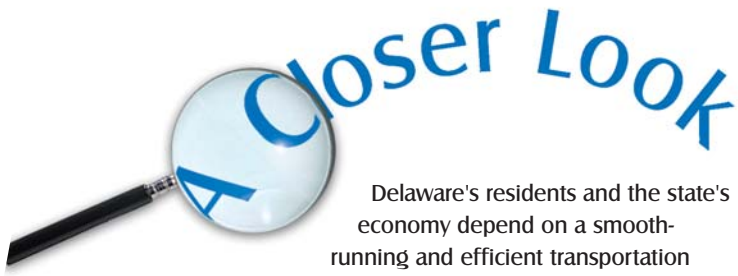
FYI.

Transportation and the Right-of-Way

A Guide for Property Owners



Why Right-of-Way Property Acquisitions Are Necessary



Delaware's residents and the state's economy depend on a smooth-running and efficient transportation system. Whether building, maintaining, or improving the safety of this system, the Delaware Department of Transportation (DelDOT) makes every effort to minimize the impact of transportation projects on property owners. However, there are times when it is necessary for DelDOT to acquire private property to provide a right-of-way for a road or other transportation improvement.

In order for DelDOT to use your property, you must be compensated for it or waive that right to compensation. Determining the amount of compensation depends on the size of acquisition, its location on the property, and whether DelDOT needs to own it outright or just use it on a temporary or permanent basis.

The vast majority of right-of-way real estate acquisitions are small — involving only easements, or other narrow strips of land. Much larger projects, such as a new road or roadway widening, require DelDOT to purchase larger tracts of land. Whether the acquisition need is large or small, DelDOT works with the property owners to ensure that they receive "fair market value" and to minimize any inconvenience throughout the process.

This brochure will provide some general guidelines on the process of property acquisition, including property appraisals and negotiations. It also details relocation assistance and compensation available to occupants who must move as a result of the acquisition.

For large projects, such as a new highway, DelDOT works with property owners to ensure they receive fair market value. Relocation assistance is also available.



The Acquisition Process

Smaller Acquisitions or Temporary Access

The majority of acquisitions are small, such as a 5' strip of land along the property's frontage. If the acquisition is less than \$10,000, DelDOT can provide the property owner with an estimated value and waive the appraisal.

In instances where DelDOT just needs temporary access to property, DelDOT will determine the lease value of your property for the duration of the project.

DelDOT can also perform what is called "cost of cures." For instance, if landscaping and septic have to be removed, DelDOT will reimburse the owner to install a new septic system somewhere else on the property and to replace shrubs and trees.

Large Acquisitions

Following is the process DelDOT uses when purchasing larger tracts of land.

Notification

Property owners and tenants are notified in one or both of the following ways:

- Contacted by a DelDOT real estate representative who will provide information about the project and answer questions.
- Notified of Public Workshops. For larger projects, workshops are held to give the public the opportunity to voice opinions (oral or written) on the project being considered, and to propose changes or alternatives.

Appraisal

As mandated by law, property owners will receive fair market value for any land and/or buildings they are required to sell. A qualified, licensed independent appraiser will visit the property and consider recent sales in the same community or neighborhood, as well as current

building costs and land values. Property owners can also provide the appraiser with information they feel may help determine the value. The appraisal is then completed and approved by an independent review. Property owners may also obtain their own appraisal.

Negotiations

After the appraisal, a DelDOT real estate representative will contact the property owner with information on the amount of land needed, the approved real estate appraisal, and the amount of compensation being offered. The property owner will also receive a written confirmation of the offer and be given time to consider it.



When an offer is accepted, both parties (DelDOT and the seller) sign a binding contract. The deed is signed over when the check is delivered at settlement (usually within 90 days).

If the offer is not accepted, the value of the property may be established by the courts. The law allows DelDOT to acquire possession of the property even if the offer is not accepted, so that the project development may continue. Meanwhile, negotiations between DelDOT and the property owner will continue in order to reach an acceptable agreement. If necessary, an impartial three-member commission will ultimately determine just compensation, which could be the same as, higher than, or lower than, DelDOT's offer.

Overview of the Right-of-Way...

How TRANSPORTATION PROJECTS CAN AFFECT PRIVATE PROPERTY

This illustration highlights different types of property acquisitions that may be required for a large project, such as a new expressway interchange. The blue-shaded area shows the right-of-way that will be needed for the project. Follow the lettered captions to see how each property is affected.

A Farm Access Road
Two of the planned ramps cross over a section of this farm and its access road. The amount of property DelDOT needs will not significantly affect the farm operation. The owner will be compensated for the real estate based on a before and after appraisal of the property. The only issue is the driveway to the farm house, which may need to be relocated with DelDOT's assistance, or it may be possible for the driveway to remain where it is and pass under the new ramps. In the latter case, only a temporary driveway will be needed while the construction of this portion is ongoing.

B Business Relocation
The planned ramp crosses directly over this business. DelDOT will need to acquire the entire property and the business will have to be relocated. The owner will receive the fair market value for the land and building. The business will likely be eligible for reimbursement for reestablishing operations, moving expenses and help in finding a suitable new location.

E Sell Unused Property
A portion of this field was purchased by DelDOT four years earlier when original plans called for a ramp to be built across the property. As you can see, the ramp actually ended up being built along the edge of the property. Now that the project has been completed, the property is no longer needed. The property will now be sold back to the original owner or sold at public auction.

F Adjust Entrance
The last residence within the project area of the planned ramp is only incidentally affected. DelDOT will need to make adjustments to this property's entrance since it will interfere with traffic coming off of the ramp. DelDOT may need to obtain and compensate the owner for a temporary or permanent easement along the front of the residence. As with D, this residence may need to share a separate access road, which will be built as a part of the project. If so, it may be necessary for DelDOT to purchase additional property in order to build the access road.

D Minor Land Acquisition / Driveway Relocation
The planned ramp crosses along the edge of a private residence. In this case, DelDOT will only need to acquire a narrow strip of land nearest the road in order to relocate utilities. The owner will be compensated for the fair market value of this piece of land, with consideration given to how it will affect the value of the remaining property. The driveway to the residence will need to be relocated so residents can access the road safely away from merging traffic. It may be necessary for DelDOT to build an access road that can be shared by multiple residences along this highway (possibly including the farm).

C Homeowner Relocation
The new ramp passes through this private residence. DelDOT will acquire the entire property and pay the homeowner a justly appraised and mutually agreed value for the real estate. DelDOT will assist the residents (whether owners or renters) in finding a new home of equal or greater value in which to relocate. If the homeowner's existing mortgage rate is lower than the current interest rate, DelDOT will make up the difference in a lump sum payment. Moving expenses and settlement costs will also be reimbursed.

If Relocation Is Necessary

In the event that a transportation project cannot be routed around homes, businesses, farms or non-profit organizations, DelDOT offers a number of assistance options for those in need of relocation. The following is a brief list of available aid:

- **Information on** comparable properties for sale or rent; low-rent housing costs; eligibility for mortgage differential (in the event the new mortgage rate exceeds that of the former mortgage)
- **Help with** inspection and/or assessment of prospective replacement property; transportation to a new property if necessary
- **Reimbursement** if a comparable house for sale or rent cannot be found within the occupant's financial means; for moving expenses; for the loss of personal property due to relocation of a farm or business operation
- **Option to appeal** if not satisfied with relocation services

DelDOT's primary aim for those relocating is to ensure that all displaced individuals are treated fairly and equitably and suffer no undo financial hardship. All relocation assistance payments are in addition to the payment for the real estate acquired.

Property management

What happens to land that is acquired by DelDOT, but not used?

Many times DelDOT purchases property well before a project starts in order to make sure the property will be available when it is needed. By the time the project starts, its parameters could change or sometimes the project is cancelled altogether. When this happens, DelDOT may not use all the property that has been acquired and can dispose of it in various ways:

- Large independent parcels must be sold at public auction
- Small parcels can be sold to adjoining property owners

If DelDOT does not use the purchased property within 5 years, they will notify the previous owner to see if they want to buy it back. If there is a tenant on the property who has leased it for at least 5 years, the tenant will have the option to buy the property before the owner.

How to Get More Information on Transportation and Right-of-Way Issues

DeIDOT can provide you with additional information on this topic, including more detailed literature on specific issues.

Please contact:

DeIDOT Real Estate Section
(302) 760-2111

For in-depth information about other transportation subjects, visit our website at:

www.deldot.net

F.Y.I. brochures are available on a wide variety of transportation subjects from DeIDOT's Office of Public Relations (302) 760-2080.

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